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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Amendment of the )  
Commission's Rules to ) ET Docket No. 96-102  
Provide for Operation of )  
Unlicensed NII Devices in ) RM-8648  
the 5 GHz Frequency Range ) RM-8653

**PARTIAL OPPOSITION TO  
PETITION FOR RECONSIDERATION AND CLARIFICATION**

ReSound Corporation ("ReSound"), by its attorneys and pursuant to Section 1.106 of the Commission's rules and the Commission's Public Notice, Report No. 2179, released March 12, 1997, hereby submits its partial opposition to the Petition for Reconsideration and Clarification (the "Petition") of the Report and Order<sup>1/</sup> in the above-captioned proceeding, filed March 3, 1997 by the Wireless Information Networks Forum ("WINForum"). The following is respectfully shown:

1. WINForum asks the Commission, inter alia, to relax the out-of-band emission limits adopted in the U-NII R&O. Specifically, WINForum asks the Commission to modify

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<sup>1/</sup> Report and Order, FCC 97-5, released January 9, 1997 ("U-NII R&O").

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Section 15.407(b)(3), which provides that for transmitters operating in the 5.725-5.825 GHz band, "all emissions within the frequency range from the band edge to ... frequencies 10 MHz or greater above or below the band edge [must be attenuated] by a factor of at least 50 dB." WINForum requests that the rule be relaxed to state that "all emissions more than 10 MHz outside the band edge [must be attenuated] by a factor of at least 50 dB." WINForum Petition at 6 (emphasis added).

2. WINForum also asks the Commission to revise Section 15.407(b)(5) of the rules by deleting the first sentence thereof, which requires that "[u]nwanted emissions must comply with the general field strength limits set forth in Section 15.209." Petition at 6.

3. ReSound opposes any change to Section 15.407(b) that would have the potential to cause interference by U-NII devices to low-power devices in the bands above 5.850 GHz operating pursuant to Section 15.249 of the rules. Unlike the existing rule, the change to Section 15.407(b)(3) sought by WINForum would not limit the effect of spill-over into bands more than 10 MHz from the U-NII band edge. Thus, there is a possibility of unwanted emissions from U-NII

devices interfering with low-power operations above 5.850 GHz. Moreover, in proposing to eliminate the first sentence of Section 15.407(b)(5), WINForum would effectively eliminate the protection from unwanted emissions provided to low-power devices by Section 15.249. There is no precedent for permitting violations of this nature of the Section 15.249 standards.

4. WINForum also states that it is discussing with NTIA "the potential ramifications" of WINForum's proposed changes on the spectrum immediately above and below the U-NII bands. Before the Commission considers WINForum's proposals, these discussions should be completed, and the results of any testing, and the conclusions reached as to actual and potential interference to other operations, should be reported to the Commission.

WHEREFORE, the foregoing premises having been duly considered, ReSound respectfully requests that, consistent with the foregoing, the Commission deny in part the Petition for Reconsideration and Clarification of WINForum.

Respectfully submitted,

**RESOUND CORPORATION**

By:   
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April 1, 1997

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**CERTIFICATE OF SERVICE**

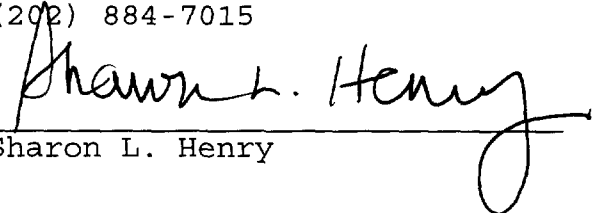
I, Sharon L. Henry, a secretary with the law firm of Paul, Hastings, Janofsky & Walker LLP, hereby certify that I have on this 1st day of April, 1997, caused a true and correct copy of the foregoing Partial Opposition to Petition for Reconsideration and Clarification to be sent by first-class United States mail, postage prepaid, to the following:

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